PP4

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,072	12/21/1999	EDUARDO PELEGRI-LLOPART	SUN1P254/P41	6969

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EXAMINER
KISS, ERIC B

ART UNIT	PAPER NUMBER
2122	14

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

		Application No.	Applicant(s)
Office Action Summary		09/471,072	PELEGRI-LLOPART ET AL.
		Examiner	Art Unit
		Eric B. Kiss	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *10 June 2003* .

2a) ☐ This action is **FINAL.**　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4,6-8,10 and 13-18* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4,6-8,10 and 13-18* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *12 May 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

　　If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____ .

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

　　a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 12, 2003, has been entered. Claims 1-4, 6-8, 10, and 13-18 are pending.

Response to Amendment

2. Applicant's amendments to the claims appropriately address the rejections of claims 2-4, 6, 8, 10, and 13-16 under 35 U.S.C. §112, second paragraph, based on indefiniteness, as detailed in the previous office action. Accordingly, these rejections are withdrawn in view of Applicant's amendments.

Response to Arguments

3. Applicant's arguments filed May 12, 2003, have been fully considered but they are not persuasive.

4.   On page 5, in paragraph 2, Applicant argues:

> It is respectfully submitted that Java as a programming language is known to those skilled in the art. As such, there is no need to accompany Java by "generic terminology."

From this argument, Applicant appears to be suggesting that the Office should either consider the term Java to be generic in the art or otherwise a name used in trade rather than as a trademark. A trademark is a word, letter, symbol, or device adopted by one manufacturer or merchant and used to identify and distinguish his or her product from those of others. It is a proprietary word, letter, symbol, or device pointing distinctly to the product of one producer. A name used in trade is a nonproprietary name by which an article or product is known and called among traders or workers in the art, although it may not be so known by the public, generally. Names used in trade do not point to the product of one producer, but they identify a single article or product irrespective of producer. See MPEP §608.01(v). Applicant is advised that attempting to reinforce the interpretation that the term Java refers to a specific programming language rather than the source (Sun Microsystems, Inc.) of the programming language, may tend to make one or more registered trademarks generic.

5.   In response to Applicant's reiteration of previous arguments on page 5, in paragraph 4, the Examiner maintains that a *CFSET* object includes a mapping of scripting variables to values (see, for instance, the first example given on page 15 of the *CF Web* reference, which shows a mapping of the variable "FirstName" to the value "Jack"). Further, the Examiner maintains that the *GetBaseTagData()* method described in *CF Advanced* returns a list of available scripting variables and a variable type associated with each variable. As acknowledged by Applicant, the

GetBaseTagData() method returns an object that contains all the variables, scopes, etc. of the nth

ancestor with a given name. As the object returned contains available scripting variables and

scope is a form of variable type, the *GetBaseTagData()* method meets the recited criteria of the

TagExtraInfo object method.

6.   In response to Applicant's arguments on page 5, in paragraph 5, regarding the

TagExtraInfo object, the Examiner asserts that the GetBaseTagData function described in CF

Advanced returns a list of available scripting variables and a variable type associated with each

variable that is defined or modified by its associated action tag (GetBaseTagData returns an

object that contains all the variables, scopes, etc. of the nth ancestor with a given name (see CF

Advanced, p. 27 subsection titled "Ancestor data access"); as such, the variables defined by the

associated ancestor tag are returned).

7.   In response to Applicant's arguments beginning on the last line of page 5, continuing

onto page 6, regarding the pageContext object, the Examiner asserts that pageContext object of

ColdFusion 4.0 includes a mapping of at least one scripting variable to a value that is or can be

represented in the tag library (see, for example, CF Advanced, pp. 27-28 subsection titled

"Example: Ancestor data access", which shows sample code snipped from a custom tag. The

sample code shows multiple examples of the CFSET instruction used to create mappings

involving previously established tag data).

Drawings

8.   New corrected drawings are required in this application because the proposed copy of

Fig. 2 does not comply with the requirements of 37 C.F.R. §1.84, and in particular, 37 C.F.R.

§1.84(a), (e), (g), (l), (n), (p), and (w). In addition, as described in the two previous office

actions, Fig. 2 does not clearly and completely illustrate the aspects of the present invention as it

is disclosed in the instant specification. Applicant is advised to employ the services of a

competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no

longer prepares new drawings. The corrected drawings are required in reply to the Office action

to avoid abandonment of the application. The requirement for corrected drawings will not be

held in abeyance.

Specification

9.   The use of trademarks JAVA and JAVASERVER have been noted in this application.

They should be capitalized wherever they appears and be accompanied by the generic

terminologies.

        Although the use of trademarks is permissible in patent applications, the proprietary

nature of the marks should be respected and every effort made to prevent their use in any manner

that might adversely affect their validity as trademarks.

        In the present case, the trademark JAVA is not accompanied by generic terminology. See

MPEP § 608.01(v).

Claim Rejections - 35 USC § 112

10.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

11.   Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

        Claim 10 recites the limitation "The method of claim 1" in line 1. There is insufficient

antecedent basis for this limitation in the claim. Since claim 10 originally depended indirectly

from independent claim 7, and since claim 7 recites a method, claim 10 is subsequently treated as

being dependent on claim 7 for the purpose of further examination. This treatment is applied in

the interest of compact prosecution.

Claim Rejections - 35 USC § 102

12.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

13.   Claims 1-4, 7, 8, 13-15, 17, and 18 are rejected under 35 U.S.C. 102(a) as being

anticipated by the ColdFusion 4.0 software product, available at least as early as October 2,

1998, as evidenced by the ColdFusion Documentation files, including: "Getting Started with

ColdFusion" (hereinafter CF Getting Started); "Developing Web Applications with ColdFusion"

(hereinafter CF Web); "Advanced ColdFusion Development" (hereinafter CF Advanced);

"ColdFusion 4.0 Documentation Update" (hereinafter CF Update); and "ColdFusion Quick

Reference Guide" (hereinafter CF Guide), and such a product hereinafter ColdFusion 4.0.

As per claim 1, ColdFusion 4.0 is disclosed with a system comprising a page suitable for

building an application with dynamic web content, the page including one or more action tags

(see CF Web, p. 7, first three paragraphs); a tag library (a collection of tags); a TagExtraInfo

object containing a method that returns a list of available scripting variables and a variable type

associated with each scripting variable that is defined or modified by its associated action tag

(GetBaseTagData returns an object that contains all the variables, scopes, etc. of the nth ancestor

with a given name (see CF Advanced, p. 27 subsection titled "Ancestor data access"); as such,

the variables defined by the associated ancestor tag are returned); and a pageContext object

containing a mapping of at least one scripting variable in the list of available scripting variables

to a value that is or can be represented in the tag library (CFSET tag; see CF Web, pp. 16-17

section titled "Using CFSET to create variables"; see also, for example, CF Advanced, pp. 27-28

subsection titled "Example: Ancestor data access", which shows sample code snipped from a

custom tag. The sample code shows multiple examples of the CFSET instruction used to create

mappings involving previously established tag data). The value provided in the mapping is

inherently used.

As per claim 2, ColdFusion 4.0 is further disclosed with a translator (ColdFusion) that

consults the TagExtraInfo object (evaluates the GetBaseTagData function) to obtain the list of

available scripting variables (ancestor variables) when the page is translated (see CF Advanced, pp. 27-28 subsection titled "Example: Ancestor data access" and, in particular, see the fifth line of the code example).

As per claim 3, ColdFusion 4.0 is further disclosed with creating the pageContext object when the page is executed (see CF Web, p. 17 sections titled "Example: Dynamic parameters" and "Example: Expressions").

As per claims 4, 8, and 14, ColdFusion 4.0 is disclosed with such a TagExtraInfo object that comprises (as a function return value) an object name for each variable (variable name), a type for each variable (based on variable naming conventions; see, e.g., CF Advanced p. 28, lines 8-9 which determines the custom tag context by looking for a variable beginning with "CF_"), and a scope parameter for each variable (see CF Advanced, pp. 27-28 subsections titled "Ancestor data access" and "Example: Ancestor data access").

As per claim 7, this is a method version of the claimed system, discussed above (claims 1-3), wherein all claim limitations also have been addressed as set forth above.

As per claim 13, this is a computer-readable medium version of the claimed system discussed above (claim 3). ColdFusion 4.0 is further disclosed with a computer readable medium including computer program code (ColdFusion CD-ROM; see CF Getting Started, p. 4 section titled "To install ColdFusion for Windows"). All other limitations also have been addressed as set forth above.

As per claims 15, 17, and 18, the ColdFusion 4.0 page is further is converted to a first programming code which is different that a second programming code that is used to implement

the tag library (for example, CF Advanced, pp. 9-10 provide an example of a JavaScript object in

addition to the normal HTML-only page without making any changes to the tag library).

Claim Rejections - 35 USC § 103

14.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

15.   Claims 6, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the

ColdFusion 4.0 software product as applied to claims 1, 7, and 13 above.

As per claims 6, 10, and 16, ColdFusion is disclosed with a text-based document (CFML

document) that describes how to process a request (evaluate functions and tag objects) to create a

response (generate an HTML document) just as the JavaServer Page is described in the instant

application (see p. 1, lines 18-20). Therefore, it would have been obvious to one having ordinary

skill in the computer art at the time the invention was made to substitute the known (see, for

example, "Tools for Developing Servlets and Server Pages Using Java Technology," 1999,

JavaOne '99 Session Information) JavaServer Page technology, in which a server implements a

container, and a page is converted and executed on the server, for the ColdFusion 4.0

technology. One would be motivated to do so because both are directed toward the same

function.

Conclusion

16.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric B. Kiss whose telephone number is (703) 305-7737. The examiner can normally be reached on Tue. - Fri., 7:30 am - 5:00 pm. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552.

Any response to this action should be mailed to:
Commissioner for Patents
P.O.Box 1450
Alexandria,VA 22313-1450
Or faxed to:
(703) 746-7239 (for formal communications intended for entry)
Or:
(703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT")
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

EBK./EBK
June 18, 2003

TUAN Q. DAM
PRIMARY EXAMINER